

Planning Board Minutes  
April 18, 2019

**Present:**

Atty. Peter Arvanites  
Mr. Thomas Bettencourt  
Atty. Diane Cooper  
Mr. Dennis Feld  
Mr. Joseph Gagnon  
Mr. Matthew Genzale  
Mr. Roy Simoes

**Absent:**

Mr. John Ford  
Mr. John Francois  
Dr. Judith Otto

A regular meeting of the Planning Board was called to order on April 18, 2019 at 7:00 P.M. by Chairman Thomas Bettencourt. The meeting was held in the Lower Level Conference Room, City Hall, 24 Lowell Street., Peabody, MA.

A. **Public Hearing:**

1. Amend the Zoning Ordinance of the City of Peabody as follows:
  - i. **Section One** – by amending Section 6 titled Special Regulations by adding a new Section 6.16 titled Residential Overlay District
  - ii. **Section Two** – amend the Zoning Map of the City of Peabody adopted April 28, 2011
  - iii. **Section Three** – All ordinances or parts of ordinance inconsistent herewith are hereby repealed
  - iv. **Section Four** – The ordinance should take effect as provided by law.

Mr. Curt Bellavance, Director of Community Development and Planning, presented to the Board as a proponent for the proposed amendment that would create a Residential Overlay District in areas currently zoned BR along Route 1 South, which include two (2) properties – the Mac's Mobile Home Park on Route 1 that runs parallel to Pine Street; another area behind the Latitudes Sports complex on Route 1 South; other properties along Route 114 up to Cross and Prospect streets; the North Shore Mall property, an area beginning in front of Shaw's Supermarket down to Route 114; and the areas beginning at the Alto Forno restaurant to the intersection of Prospect and Cross streets, including a new building under construction next to it, and the former MRI building. The existing businesses located by Latitudes are primarily automotive. The proposed overlay would add another layer of zoning to the existing properties and would allow for multi-family buildings that meet required dimensions, lot sizes and setbacks and applicants would have to apply for a Special Permit from the City Council on a case-by-case basis and would have to go through Site Plan and Construction reviews. This overlay would add another use to the currently allowed and is meant to serve as a transition between commercial and residential uses. The draft amendment allows for 25% affordable units. Planning Board: Mr. Joseph Gagnon and other Board members opposed allowing for 25% affordable units and instead discussion included recommending to the City Council that the percentage be lowered to 15% affordable units. Mr. Bellavance said that the original proposal was for 15% affordable, but the City Council amended it to include 25% affordable units in an effort to increase the current affordable units in the City, which is under the state required 10%. However, Mr. Bellavance said that it is his impression the City Council was open to recommendations from the Board. There was discussion regarding a proposed hotel behind Latitudes, which could be converted to residential use by special permit with the adoption of the new Residential Overlay District. Mr. Roy Simoes also spoke against allowing 25% affordable units, saying it would dissuade developers and said he would like to see all current property owners affected by the proposed

overlay be notified. Mr. Bellavance said that he would notify the one remaining property owner who was not contacted regarding the proposed overlay. Mr. Simoes asked if the new overlay could affect the current residents of the mobile home park and Mr. Bellavance said that many residents are protected by rent control and that there is a lengthy process to change any current use. Mr. Simoes did not agree with limiting building stories to three (3) and would like to see four (4) to five (5) story structures allowed. Continued discussion regarding limiting height and 25% affordable units as not being developer-friendly and concern regarding the quality of any developments given the proposed restrictions. Atty. Peter Arvanites said that the City would want to encourage high-quality design and expressed concern as well that the restrictions would be an economic hindrance for developers. Mr. Bellavance said that he would convey all of the Board's concerns to the City Council.

Chairman Bettencourt asked for any member of the public present who would like to speak in favor. None. Speaking in opposition: Mr. Russell Donovan, 12 Quail Road: Expressed concern regarding the City being under the state required 10% affordable housing making the City subject to 40B housing. He asked for clarification on whether or not the proposed Overlay would allow for residential units to be constructed on top of mall properties. Mr. Bellavance said it was feasible as long as the new units were within height restrictions. Mr. Donovan also raised issues with traffic, an increase in commercial vehicles, the impact on schools, fire, and police, overcrowding, snow removal, and said the proposed Overlay amendment lacked details. Additionally, Mr. Donovan questioned whether the proposed size restrictions would in turn restrict affordable housing. Mr. Bellavance said that traffic studies would be part of case-by-case special permits and said that one of the reasons the Overlay is recommended for these particular areas is because they can handle the most traffic and further development. Mr. Bellavance continued that over the past 10 years, school enrollment has dropped about 1,000 students and that there is a diminishing number of students nation-wide. He said that there are residents eligible for affordable housing looking for one-bedroom units and that affordable housing is not necessarily geared to only families. An increase of commercial vehicles with new businesses allowed with the proposed overlay would be taken into account on a case-by-case basis when up for a special permit before the City Council and that those uses would be subject to Site Plan and Construction reviews. Mr. Bellavance also said that a section was added to the proposed amendment that does not allow building within a conservancy district or flood plain.

Planning Board: Motion: Mr. Roy Simoes. MOVE TO recommend to the City Council to amend Section 6 of the Zoning Ordinance of the City of Peabody by adding a new Section 6.16 titled Residential Overlay District with the following suggested amendments: that the inclusionary affordable housing be rolled back to 15% in line with the current City Ordinance as written; that the maximum height be changed to allow for four (4) and five (5) story structures; and that those affected current property owners be notified of the proposed overlay. Seconded by: Atty. Arvanites. Motion Carried. Unanimous.

Chairman Bettencourt Closed the Public Hearing.

B. Approval of Minutes: Motion: Atty. Diane Cooper: To approve the Minutes of the regular meeting of April 4, 2019. No one opposed. Motion carried: Unanimous.

C. ANR/Land Court:

1. 0 & 18 Crowninshield Street (Map 74, Lot 65A & 65C):

Creation of Lot S, being 4,489 sf. at the rear of 16 Crowninshield Street. Lot S has required area and frontage pursuant to previously granted variance.

Atty. John Keilty representing the applicant, Colaris VI, LLC: The applicant is in the process of selling three (3) existing buildings at the property, Buildings I, V & M, including a 7-story brick building at 16 Crowninshield Street and the building at 18 Crowninshield Street to Winn Development, with the sale scheduled to close on June 7, 2019. Atty. David Ankeles representing Winn Development and Mr. Matt Curtin of Winn Development were also present. Atty. Keilty tonight is before the Board to create Lot S, a 4,489 sf parcel at the rear of 16 Crowninshield, which contains a sluice dam-flow mechanism, which once approved, will be sold to and operated by the City of Peabody since it is in the City's best interest to control the flow and elevation of Crowninshield Pond. Atty. Keilty received a variance from the City previously to create this parcel. Mr. Simoes questioned an easement on the property raising concerns for how the City would access Drake Crossing. Atty. Keilty said that a wider easement would be provided once this lot is approved and created. Mr. Simoes also confirmed that Building M is not part of this proposed parcel. Mr. Gagnon asked if all 3 buildings counted towards affordable housing, and Atty. Keilty said that they did. Mr. Matt Curtin of Winn Development added that the existing affordable housing "burned-off" when the property's mortgage was paid off in March of 2018. Winn Development will extend affordability for another 40 years once they acquire the property, he said, adding that their financing is conditional upon extending the affordable component. Mr. Andrew Levin, City Planner, said that the easement needs to be expanded per the City Solicitor along the abutting lots to MI north of Crowninshield. Mr. Curtin said the \$65 million purchase price included significant property renovations, such as improvements to parking, landscaping, sidewalk cutbacks, replacement of all windows, replacement of all mechanical, electricity and plumbing, energy-efficient light fixtures, and improvements as needed unique to each unit.

Planning Board: Motion: Atty. Diane Cooper. MOVE TO approve an ANR for a lot of land known as Lot S being 4,489 sf at the rear of 16 Crowninshield affiliated with 0 and 18 Crowninshield Street that meets all required area and frontage as per the variance with the condition that the easement be increased to the length as required by the City of Peabody. Roll Call Taken: Motion carried. Unanimous.

D. Site/Building Permit Plan Reviews: None.

E. Appointments: None.

F. Subdivision Board Action:

1. Proposed Stonegate Subdivision Application – Update

Atty. Keilty and Mr. Christopher Mello of Eastern Land Survey were present representing the applicant. Mr. Levin referred the Board to a recent Memorandum from the Department of Public Services included in their meeting packets requesting a third-party peer review of the project. Mr. Mello reiterated that there were 23 proposed lots initially, with lots 21, 22, and 23 on Pearl Street. The applicant acquired an option to purchase a house at 234 Bartholomew Street, formerly owned by Mr. Paolino, through the ANR process, which created two lots, with one of those lots added to the subdivision bringing the total up to 24 lots as part of the definitive subdivision. That lot was divided into 2 lots, bringing the total number to 26 lots in play, said Mr. Mello. The property at 234 Bartholomew would allow for bringing out the utilities to the subdivision. Mr. Mello said that he met with Mr. William Paulitz, City Engineer, in September 2018 regarding the proposed subdivision and as a result, a list of 25 items were identified by DPS ranging from moving the sewer and water, changing the slopes of the detention pond, adding access ways to various

stormwater pond as a backup, and other items, which Mr. Mello said are not required, but that the applicant complied with and was able to accomplish 23 of the 25 items. The applicant and DPS are down to two issues, which the applicant is either unwilling or unable to accomplish and is looking for waivers if needed. One is bringing slopes from 20 feet to 30 feet, which the applicant is not willing to do because it will eat up the land. The other task the DPS is asking for is that soil tests be done every 100 feet, which is in the regulations, but which have never been done in 40 years of roadwork, said Mr. Mello. They have already completed soil testing on every lot to see where there is ledge so they can gauge runoff. They are requesting a waiver for further soil testing saying that it is redundant and disruptive. Mr. Keilty said that the applicant has had reviews conducted by both Weston & Sampson Engineers and Tighe & Bond and that the applicant is disappointed that DPS is requesting a third peer review by Meridian Associates, 8 – 10 months later, so long into the approval process. Mr. Keilty would ask the Board to support a rapid turnaround for the third peer review. Mr. Simoes expressed concern that the process has taken so long. Mr. Mello and Mr. Keilty that they have never been subjective to a peer review for a definitive subdivision. Mr. Keilty said back in October 2018 they were told that a peer review would take 2 weeks, however it took 2 months. Mr. Mello said the applicant thought they would be already in the construction phase. Mr. Gagnon asked if they had the final plans and if they were ready to go, to which Mr. Mello said they were. Mr. Mello requested that the soil test be waived. Mr. Simoes asked what the goal of the soil tests were and Mr. Mello replied that it would be to determine runoff refusal, adding that the soil consisted of less ledge than expected and lots of gravel. Mr. Bellavance said that the scope of an additional review would probably be for stormwater and confirmed that the extension previously granted for the project was good through May 23, 2019. Discussion with Mr. Bellavance, Mr. Levin and the Board for next step with the hope that DPS could meet with the applicant and the Planning Department before May 2<sup>nd</sup> to encourage the Meridian peer review be expedited. Mr. Levin would draft a letter to arrange for the meeting. Meanwhile, Mr. Mello would provide the Board and Mr. Levin with hard and electronic copies of the final plans.

G. Correspondence:

1. Regional Notices
2. Stonegate Definitive Subdivision – City Engineer’s Memo dated April 8, 2019
3. Stonegate Definitive Subdivision – Letter dated April 11, 2019
4. Notice of Aggregate Annual Report

H. City Council: None

I. Other Matters Properly Before the Board:

1. Discussion – DRAFT - Amended Procedural Rules of the Planning Board  
Chairman Bettencourt asked the Board to review recently amended Procedural Rules for discussion at the next Regular Planning Board meeting scheduled for Thursday, May 2, 2019.
2. Discussion – City Council Memorandum requesting the Planning Board meetings be televised.  
Board members asked Mr. Levin to draft a letter inquiring as to the reason for the recommendation. The letter would not be considered until the City Council’s May 9, 2019 meeting, said Mr. Levin.

J. Adjournment: Motion to Adjourn at 8:31 P.M. by Atty. Cooper. Seconded by: Mr. Gagnon